

operates WHP-TV, also a UHF station. When WLYH was not broadcasting duplicative CBS programming, it was preempting both network and syndicated programming to air a large number of half hour infomercials. Nonetheless, WLYH was losing money and in danger of going dark.

As a result of an LMA with CCT, the market no longer receives duplicative CBS programming. Instead, WLYH-TV broadcasts the entire United Paramount Network ("UPN") lineup as well as other quality programming previously unavailable in the market. Included are three (3) hours per week of educational children's programming, which will increase to four (4) hours per week in the fall of 1997. WLYH has also added a 10:00 p.m. newscast using WHP-TV personnel that regularly covers news events specific to Lebanon, Pennsylvania, something that no other station in the market is doing. Further, CCT has provided \$1.5 million for capital investments at WLYHTV, including upgrades to its news capabilities, and an additional \$1.4 million to cover operational expenses for news and programming. The result of the LMA has been more program diversity at WLYH-TV, a local news product, additional educational children's programming, and better signal quality.

Greensboro-High Point & Winston Salem, NC DMA Market No. 46

WXLV-TV, Ch. 45 (ABC)
WUPN-TV, Ch. 48 (UPN)

Mission II is a party to a local marketing agreement with Sullivan Broadcasting Company, Inc., through which Sullivan supplies the majority of the programming for WUPN. The LMA has enhanced the quality of programming and increased programming diversity in local television markets.

Prior to Mission II's ownership of station WUPN the station rebroadcast the signal of neighboring station WXLV, an ABC affiliate. The signals of the WXLV and WUPN overlapped significantly and WUPN's rebroadcast of the WXLV signal reached only a limited number of new viewers. At that time, not only was WUPN failing financially, but its licensee had also been in bankruptcy for several years. Station profits were poor and the station was not utilized to bring an alternative source of programming and information to the Greensboro, North Carolina area.

Under its current LMA arrangement, WUPN delivers the full line-up of programming of the United Paramount Network (UPN) and the Disney Afternoon, which previously were not available in the Greensboro market, and provides improved local programming including

exclusive coverage of the Charlotte Hornets NBA Basketball games. This type of quality programming is available to the viewers of Greensboro only as a result of the LMA with Sullivan. WUPN did not have the financial resources to independently secure and provide the programming it currently offers its viewers and most likely would have continued to rebroadcast WXLV's signal absent its LMA with Sullivan. As a result of the Sullivan LMA, WUPN is a more vibrant, competitive station.

Providence, RI

DMA Market No. 47

WJAR-TV, Ch. 10 (NBC)
WLWC-TV, Ch. 28 (WB)

As a result of financial problems and local land use controversies, the former permittee was unable to complete construction of the Channel 28 facility over a period of more than a decade. Due to the LMA agreement, the current permittee was able to utilize financial and technical resources not otherwise available. Fant Broadcasting was able to overcome the zoning problems as a direct result of the affiliation with and assistance of the brokering station and its prominent position in the community. Also, as a result of the LMA, Fant Broadcasting was able to afford the tremendous startup costs for a new television station by purchasing a transmitter at a reduced rate from the broker and entering into an equipment lease from the brokering station.

WLWC-TV commenced on April 14, 1997, and is the first WB affiliate in the market. WLWC broadcasts a 10:00 p.m. local newscast daily, and offers local sports such as Big East Football and Big East Basketball. In September, it became the home of the *New England Patriots Coach's Show*. WLWC promotes family programming and broadcasts a variety of "core" children's programming each weekday morning and afternoon, as well as on Saturday and Sunday mornings. Currently in the works is a new "Kids Club," which is a partnership between WLWC and the brokering station. Other community programming has included the three hour broadcast commemorating the 125th anniversary of the Providence Catholic Diocese.

The LMA arrangement gave WLWC instant credibility and more marketability within the station's Designated Market Area. The broker's professional staff and recognizable on-air personalities afforded WLWC an immediate presence in the marketplace otherwise unavailable if WLWC were to operate as a standalone station.

WPRI -TV, Ch. 12 (CBS)
WNAC-TV, Ch. 64 (Fox)

In Providence, Rhode Island, Clear Channel is the licensee of WPRI-TV. WNAC, the UHF Fox affiliate in Providence, was suffering from low ratings, and had no news product, no public service programming and only one half hour locally produced program, a *Bozo* children's show consisting mostly of cartoon reruns.

Since WNAC entered into the LMA, the station's performance has been vastly improved. It received recognition from Fox as a "most improved station." As a result of the LMA, WNAC now broadcasts the market's first 10:00 p.m. newscast. While the broadcast features WPRI employees, it is entirely different from the news broadcast by WPRI.

As a result of the LMA, WNAC also broadcasts a Community Calendar that publicizes community and charitable events, and spearheads a "Christmas in April" event which helps to renovate housing for the underprivileged in Providence.

Albuquerque, NM
DMA Market No. 48

KRQE-TV9, Ch. 13 (CBS)
KASY-TV, Ch. 50 (UPN)

The LMA provided KASY's licensee, Ramar Communications, Inc., with access to the Sandia Crest antenna farm and made KASY-TV, which was an unbuilt station when the LMA was negotiated, more economically viable. Thus, the activation of a new television outlet in Albuquerque was facilitated by the LMA. This obviously served the public interest.

There are many significant efficiencies achieved by this LMA. The LMA permits consolidation of business offices for the two stations, as well as traffic, programming and engineering functions. The stations share local sports programming and public service programming.

KASY-TV is enabled by the LMA to offer first run public affairs and news programming which would not have been economically feasible for a start up television station without the LMA.

Wilkes Barre, PA DMA Market No. 49

WWFL-TV, Ch 56 (Fox)
WOLF-TV, Ch 38 (Fox)

WOLF-TV is licensed to Scranton, Pennsylvania and WWFL-TV is licensed to Hazleton, Pennsylvania. Pegasus Broadcast Television, Inc. (PBT) is a subsidiary of Pegasus, and the parent company of WOLF License Corp., the licensee of WOLF-TV (Scranton, Pennsylvania) and WWFL-TV (Hazleton, Pennsylvania.) WWFL is currently a satellite of WOLF, duplicating its programming. However, it has recently received authority from the Commission to relocate its transmitter site to the site used by the other television stations in the Wilkes Barre/Scranton DMA, in which both WOLF and WWFL operate.

As a condition of granting the WWFL construction permit, Pegasus has agreed to divest itself of WOLF if necessary to comply with the multiple ownership rules in effect at the time that WATF commences program tests with its improved facilities, as at that time, the stations will have overlapping city-grade contours. In contemplation of this change in ownership, PBT has entered into an LMA with WOLF License Corp., by which PBT will be brokering the time on WOLF-TV. It is contemplated that the stock of WOLF License Corp. will be sold to a new party, if necessary to comply with Commission multiple ownership rules, subject to this LMA. The LMA provides for a five year term from the commencement of independent programming, with a renewal at Pegasus' option within 180 days of the expiration of the agreement.

The LMA provides for 166 hours of programming to be provided by the broker, subject to preemptions by the licensee to provide programming which the licensee believes will better serve the public interest.

As WOLF and WWFL have always been programmed together in a parent-satellite relationship, this LMA will allow the development of a new full service station. This is particularly important given the fact that the WOLF/WWFL combination has always had significantly lower ratings than the other stations in the market, and enjoys a smaller market revenue share than the long established affiliates of the three major networks. WWFL will continue to be an affiliate of Fox. When WOLF is programmed separately from WWFL, it is assumed that it will be affiliated with one of the emerging networks.

Thus, the development and growth of WOLF through the LMA can only contribute to the diversity in the market by allowing for two separately programmed stations, which together can provide a more equal marketplace competitor than could the two stations if separately operated.

Louisville, KY

DMA Market No. 50

WDRB-TV, Ch. 41 (Fox)
WFTE-TV, Ch. 58 (UPN)

In May 1990 James T. Ledford received the construction permit for Channel 58 (Salem, Indiana.) Salem, Indiana is located approximately 35 miles northwest of Louisville, Kentucky, but is considered a part of the Louisville, Kentucky market.

Although financing had been arranged in advance of even applying for the facility, changes in the television marketplace, as well as prevailing economic conditions, made it difficult for Ledford to effectuate his financing plans. In the meantime, it became permissible within the television industry to establish local marketing agreements. Kentuckiana (the wholly owned successor of Ledford) was contacted by Blade Communications, Inc. (the parent company of the licensee of station WDRB-TV) with a proposal which ultimately was agreed to, whereby Blade Communications assisted Kentuckiana in obtaining requisite financial commitments for the construction of the station in return for Kentuckiana entering into an LMA agreement for its utilization of certain broadcast time and commercial availabilities.

As a result of the fortuitous timing of the commencement of WFTE's operations, WFTE became a UPN Network affiliate, thereby providing the Salem community and the surrounding Louisville market with access to an additional television network that would not otherwise have been available. Moreover, as a result of the LMA agreement, WFTE now had access to WDRB's inventory of syndicated programming, much of which would otherwise not have been broadcast in the Salem/Louisville market on WDRB itself due to the lack of available broadcast time on WDRB. Also, thanks to WFTE's presence in the Salem/Louisville market, in the Fall of 1997 the Salem/Louisville area will be served by 3 1/2 hours daily (Monday-Friday) of children's programming on WFTE, as well as ten hours during weekends.

Despite the time committed to Blade Communications for presentment of programming of its choosing, by remaining owner of the licensee, James T. Ledford, a lifelong local resident of Salem, Indiana, has been successful in maintaining WFTE's local ties in its programming. Kentuckiana maintains its own small staff. As a result of Ledford's and Kentuckiana's input, efforts, and programming, WFTE has become a voice for Southern Indiana residents, through such broadcasts as the boys' and girls' state high school championship tournaments in basketball and football, Indiana University football and basketball, Indiana Lottery results, the promotion of Salem community events (along with notices of their cancellation as they occur), notices of Southern Indiana school closings, and the broadcast of a "Salem Town Meeting" live from Salem, Indiana. The latter event was specifically arranged for by WFTE and Kentuckiana for

broadcast on WFTE. Through this synergy of ownership by Kentuckiana, as licensee of WFTE, along with programming by its LMA partner Blade (whereby Kentuckiana retains certain broadcast time and ultimate control over WFTE but has access to the Blade's expertise and production skills), it is believed that WFTE has created and carved out for itself a unique identity that otherwise would not have existed (and could not exist) were the FCC either to prohibit LMAs or allow outright duopoly ownership. Moreover, Kentuckiana's financial plans and projections have been premised on its belief that it could rely upon its continued partnership with the Blade in the future. Prohibiting LMAs outright, and preventing Kentuckiana from affording the Blade its pre-existing right to exercise its option to extend the LMA beyond the current term, will of course be detrimental to the Blade, but more importantly, will cut Kentuckiana off from programming, synergies, expertise, and relationships that it has successfully built up over the years. It is believed that such an event will negatively impact Kentuckiana's overall ability to provide the level of programming and services that it currently provides to the public.

Birmingham, AL

DMA Market No. 51

WTTO -TV, Ch. 21 (WB)
WABM-TV, Ch. 68 (UPN)

Prior to the LMA, WABM was in bankruptcy, offering little or in some cases nothing to the community. Glencairn Ltd. purchased WABM out of bankruptcy and enabled it to become a viable station. The LMA made it possible for WABM to be reinvented into a viable station, serving Birmingham's viewing audience as well as the advertising community. The LMA made it possible for 28 jobs to be saved. Employees of WABM were unsure of their job security, not knowing if each day would be their last. Following the agreement, these employees' jobs were secured, their benefits improved, their job quality was improved and morale was significantly raised.

Since the LMA agreement, many benefits have been offered to the Birmingham market. The station has been elevated from a bankrupt property with no ratings to speak of to a thriving business serving the community with competitive ratings rivaling those of the established network television stations. It is clear that the true benefactor resulting from the LMA agreement is the viewing public. This is proven in the way the public has embraced WABM since the LMA agreement in July of 1995.

The LMA allows the opportunity for children's programs and services. Some of the children's related programs expanded by the LMA in Birmingham are: Book Talks (a summer reading program), Supershot Saturday (free immunizations), Student Body (an educational program) and Tag Team (a safety identification program).

WABM was the only station in the market to produce and to air a prime time special on the life and accomplishments of A.G. Gaston, a community leader who died in 1996.

WABM has made it possible for UAB sports to have a home in Birmingham. WABM will feature football and basketball of the University of Alabama in Birmingham, the city's largest employer. Otherwise, Birmingham residents would not have access to their local team.

Finally, the LMA created a viable outlet for the new UPN network. As a result of the LMA, Birmingham residents are able to view this new free, over-the-air television network.

Nonprofits and community related organizations benefit because their message is now conveyed on two stations rather than one. The LMA provides the opportunity to reach two diverse audiences through WABM and WTOO. The LMA made it possible for Birmingham and the surrounding areas to have yet another voice to convey community interests and public service. The LMA has offered more choices and resources to the community. WABM devotes time to community services and has sponsored many events/programs which directly serve the community. Some are:

Blues in the Schools: WABM is the proud sponsor of this educational program which offers city school children the opportunity to be exposed to music and the art of performance. Never before have Birmingham children benefitted from such a program.

The Bruno's Memorial Classic: WABM produced and aired for two consecutive years a special focusing on one of Birmingham's world class sporting events, The Bruno's Memorial Classic. Each year this event donates over \$250,000.00 to Alabama charities.

Do Dah Day, Inc.: WABM supports this annual event which benefits local animal shelters. Since WABM's involvement in 1996, *Do Dah Day* has raised and donated over \$90,000.00 for these local animal shelters.

Cobb Theater Canned Food Drive: Each November, WABM, in conjunction with the United Way, sponsors this event which collects food for those in need.

Cobb Summer Film Shows: WABM sponsors this summer long film series which provides families with two free children's feature films per week.

Black History Month: WABM sponsors this series of 30 second spots each February, celebrating the accomplishments and lives of Black American leaders.

WTTO-TV, Ch. 21 (WB)
WDBB-TV, Ch. 17 (Ind)

Because of the LMA, the residents of Tuscaloosa and Birmingham have enjoyed additional new locally produced programming options. For example, since the LMA, the station has offered the following benefits to the Tuscaloosa market:

Program Insight is a weekly community based public affairs show. The program features an informative question and answer forum designed to educate the viewers on issues that affect the community. With no more than three topics per show, each program has the time to go beyond the brief "news report" to expose and to encourage insightful dialogue.

My Hometown is a series of 60 vignettes that profiles several townships or cities in the WTTO viewing area. The vignettes are designed to foster community awareness by highlighting the growth and uniqueness of each township.

The LMA made it possible for the community to have a voice to convey community interests and public service. Nonprofit and community related organizations benefit because their message is now conveyed. WDBB devotes time to community services and has sponsored many events/programs which directly serve the community. Some examples are:

Just Don't Do It: A 52 week locally produced public service campaign produced in conjunction with The University of Alabama Athletic Department. The campaign encourages teens and young adults to avoid violent situations and to stay drug free.

What's Happening?: A community calendar broadcast throughout the day. The calendar is a free vehicle for community organizations and agencies to publicize their upcoming events and special projects of interest to the community.

The Bruno's Memorial Classic: WDBB aired for two consecutive years a special focusing on one of Birmingham's World Class sporting events, the Bruno's Memorial Classic. Each year this event donates over \$250,000 to Alabama charities.

Learning to Make a Difference: A series of 30 second spots targeted at kids ages 6-16. The campaign is designed to explore common day issues that directly affect kids and deliver suggestions for appropriate response to the problems and the issues they face.

Black History Moments: A series of 30 second spots that profile Black Americans who have made significant contributions to the betterment of mankind.

Cobb Theater Canned Food Drive: Each November, WDBB, in conjunction with the United Way, sponsors this event which collects food for those in need.

Cobb Summertime Fun Shows: WDBB sponsors this summer long film series which provides families with two free children's feature films per week.

Finally, the LMA has provided the new WB network with an important outlet in the Birmingham market. Not only does this provide another viewing option for the people of Birmingham, but it also helps increase competition among the various national broadcast networks.

Birmingham, Tuscaloosa, & Anniston, AL DMA Markets No. 51, 185 & 201

WCFT-TV, Ch. 33 (ABC) (Tuscaloosa)
WJSU-TV, Ch. 40 (ABC) (Anniston)

These extended coverage LMAs involve separate DMAs but overlap the city- grade, Grade A, and Grade B contours. This enhanced coverage LMA permits two UHF stations to provide ABC network service to three markets by maintaining a combined production studio presence that delivers simulcasted programming to Birmingham, Tuscaloosa, and Anniston, Alabama, in addition to production facilities in the communities of license. The LMA extends the reach of the ABC service to previously underserved areas, by definition enhancing diversity. Local news and other programming is expanded throughout three markets and service has significantly increased. The amount of news produced by the two stations has dramatically increased in the three combined markets by over 41% (from 14.5 hours per week to 20.5 hours).

As a direct result of the LMA, the stations are also in a financial position to produce local "targeted" newscasts telecast on local cable systems in both Tuscaloosa and Anniston. The stations are in the process of adding significant new investments, including two new towers (DTV compatible), two new transmitters, and two new antennas. A new multimillion dollar digital studio/office complex has also been added. To help expand local news coverage, a satellite news gathering truck and three new remote ENG vehicles have been acquired, in addition to a news helicopter. As a result of the LMA, the power and height of each station has increased or will increase, thereby dramatically improving service throughout the market. Since its launch only nine months ago, the 10:00 p.m. news is now the most watched newscast in the entire state. The market is exceptionally competitive with 8 commercial TV competitors, including NBC and Fox owned and operated stations on the VHF band.

Jacksonville, FL

DMA Market No. 54

WAWS-TV, Ch. 30 (Fox)

WTEV-TV, Ch. 47 (UPN)

In Jacksonville, Florida, WNFT-TV, now WTEV-TV, a UHF facility, had failed. It had filed for bankruptcy protection under Chapter 11. Before Clear Channel Television, Inc. (CCT), licensee of WAWS-TV, another UHF station in the Jacksonville market, began its LMA, WTEV-TV's programming consisted primarily of paid infomercials and barter programming. Also, WTEV-TV was neither producing nor broadcasting any local news or providing any community service. The station's signal was technically deficient and the station had a negative image in the community.

Subsequent to entering into the LMA, CCT provided the funds necessary for capital improvements and much needed maintenance including upgrading WTEV's audio signal to stereo. CCT improved the station's programming, and was instrumental in causing the station to affiliate with UPN and to obtain Orlando Magic basketball and SEC football. Furthermore, because of the LMA, WTEV-TV now broadcasts public service announcements, local programming, and three hours per week of educational children's programming. It is anticipated that, in the fall of 1997, WTEV-TV will begin to produce and broadcast an early evening half-hour newscast.

Clear Channel provides programming for a substantial amount of the brokered station's broadcast day on a daily basis throughout the year. WTEV, however, continues to have the obligation to ascertain that programming responds to the needs and concerns of the community of license, and it retains the right to preempt the brokering station's programming as necessary to broadcast its own programming which is responsive to issues of concern to the community of license and to the needs of children. Furthermore, WTEV may pre-empt or delete any programming of Clear Channel which WTEV believes is unsuitable or contrary to the public interest and may substitute programming which, in its independent opinion, is of greater local or national importance.

WJXX-TV, Ch 25 (ABC)

WBSG-TV, Ch. 21 (ABC)

These enhanced coverage LMAs will permit two UHF stations to provide ABC network service to geographically disparate communities in a large DMA by maintaining a combined

production studio presence that delivers simulcasted programming to Jacksonville and Orange Park, Florida, and Brunswick, Georgia, as well as greatly supplementing the production facilities in Brunswick. There is no Grade A overlap, and a Grade B overlap of only 13%.

The LMAs extend the reach of the ABC service to previously under-served areas, which by definition enhances diversity. Prior to the LMA, WSBG was failing financially. Today it is becoming a profitable operation. WJXX is a new station added to the market as a direct result of being able to enter into a LMA. Moreover, the former ABC affiliate has added an additional network service to the market as the new WB network affiliate, which had no outlet in the market prior to the LMA, which again by definition increases diversity.

The combined stations provide improved off-air coverage of the ABC television network throughout the market, thereby increasing access to ABC's news, informational, and children's programming. Also, as a direct result of the LMA, the news programming on WBSG is scheduled to increase dramatically by 380% (from 5 hours per week to 24)! Significant investments have been made to put WJXX on the air and to improve the signal of WBSG. These improvements include an all new digital multimillion dollar studio/office complex, new DTV compatible tower, new transmitter (with backup), new antenna, new satellite news gathering truck, two new ENG trucks and the first and only helicopter news service in the market. The market is exceptionally competitive with 7 commercial TV competitors including a Post-Newsweek and a Gannett-owned station on the VHF band.

Little Rock, AR

DMA Market No. 57

KLRT-TV, Ch. 16 (Fox)
KASN-TV, Ch. 38 (UPN)

In Little Rock, Clear Channel Television, Inc. (CCT) entered into a joint sales agreement, later an LMA, with KASN-TV, a UHF station licensed to neighboring Pine Bluff, Arkansas. KASN-TV had been losing substantial sums of money and was frequently off the air.

Since CCT became involved, it has provided more than \$400,000 for improved equipment which, among other things, will soon permit the station to broadcast in stereo. KASN-TV now broadcasts a quality signal into southeast Arkansas, whose needs were otherwise inadequately served, and even today are not adequately addressed by two of the three network affiliates in the market.

KASN-TV carries two annual telethons sponsored by the United Negro College Fund and the Arthritis Foundation. These telethons had been dropped by other stations in the market. KASN-TV has also improved the quality of its programming. As a result of the LMA, it now carries a weekly public affairs program, four hours of children's educational programming, and the full UPN network lineup.

To better serve the area's large minority population, KASN-TV programs the 5:00 p.m. to 7:00 p.m. time period to appeal to the African-American community. KASN-TV produces educational vignettes for children in its daily *Kidsland* segment and, through the LMA, has sponsored an award-winning teen page on the Internet with monthly surveys on various issues of public importance. As a result of the LMA, KASN-TV now runs a large number of public service announcements (90 for adults and 68 for children in an average week) and its prime time ratings have improved by 50 percent.

Without an LMA, KASN-TV would not have been able to raise money for the United Negro College Fund and the Arthritis Foundation, provide educational programming, carry public affairs programming, or sponsor surveys of young adults in its market.

Tulsa, OK

DMA Market No. 58

KOKI-TV, Ch. 23 (Fox)
KTFO-TV, Ch. 41 (UPN)

In Tulsa, Oklahoma, where Clear Channel Television operates KOKI-TV, a UHF station, KTFO-TV was a failing station. KTFO had been off the air for two years, and although it had resumed broadcast operations, was losing nearly a million dollars per year. Absent the LMA, KTFO probably would have gone dark again. The station was airing little or no locally-produced programming or public service programming and there was no children's educational programming. The program schedule consisted primarily of barter programming and infomercials.

As a result of the LMA, KTFO-TV now has 4.5 hours of children's educational programming per week, with an increase to 5.5 hours per week scheduled for the fall of 1997. KTFO-TV is a local sponsor of groups such as Oklahoma Kids, an organization that fights drugs through the performances of children singing and dancing across the state. KTFO-TV also supports many local charities and community groups and events with on-air sponsorships. The station is a sponsor of approximately 20 family/community events and shows each year in Tulsa.

As a result of the LMA, KTFO now broadcasts a more complete line-up of family programs and has greatly reduced the number of hours of infomercials. Through the LMA, KTFO will soon increase its news, information and weather programming for the market.

Clear Channel provides programming for a substantial amount of the brokered station's broadcast day on a daily basis throughout the year. KTFO, however, continues to have the obligation to ascertain that programming responds to the needs and concerns of the community of license, and it retains the right to preempt the brokering station's programming as necessary to broadcast its own programming which is responsive to issues of concern to the community of license and to the needs of children. Furthermore, it may preempt or delete any programming of Clear Channel which the station believes is unsuitable or contrary to the public interest and may substitute programming which, in its independent opinion, is of greater local or national importance.

Mobile, Alabama-Pensacola, Florida DMA Market No. 61

WPMI-TV, Ch. 15 (NBC) *WJTC-TV, Ch. 44 (UPN)*

On March 15, 1993, Clear Channel Television, Inc. (CCT), licensee of WPMI-TV (Mobile, Alabama), a UHF station, entered into a joint sales agreement (JSA), and, subsequently a local marketing agreement with WJTC-TV, a UHF station in neighboring Pensacola, FL. Before CCT became involved, WJTC-TV faced such severe financial difficulty that it was frequently off the air. For example, the station did not broadcast during much of the May 1992 sweeps period. Recognizing the poor quality of the station in the market, major program syndicators accepted unpopular time periods on other area stations rather than prime time on WJTC. Finally, little or no public service was being performed and no programming originated locally.

CCT provided the funds required to improve WJTC-TV's physical plant and technical operations. CCT engineering personnel were lent to WJTC-TV, and the station's on-air look was upgraded. As a result, syndicators developed confidence in WJTC-TV and the quality of its program schedule improved. WJTC-TV was offered improved cable television channel positions and ratings tripled during the first year of the LMA. WJTC-TV was then able to enhance its public service with a weekly half hour public affairs program which aired in early fringe and, later, a 9:00 p.m. news program. New programming broadcast on WJTC-TV as a result of the LMA includes a locally produced and hosted pet show, a fix-it-yourself show, and an interior design program. Also WJTC-TV carries University of Southern Alabama basketball games in

prime time, which allows the University to increase its ability to raise funds through advertiser support.

The LMA has also resulted in efficiencies and economies of scale that turned WJTC-TV from an inefficiently organized, potentially failing station into a financially viable entity that is now a source of quality syndicated programming, local programming, news, and community service. The LMA also resulted in saving precious jobs that would otherwise have been lost had WJTC-TV been forced off the air. In fact, over time the total number of jobs rose for both stations as a direct result of the advantages of combined operation.

WEAR-TV, Ch. 3 (ABC)
WFGX-TV, Ch. 35 (WB)

The Time Brokerage Agreement ("TBA") between stations WFGX-TV and WEAR-TV has significantly advanced the public interest in WFGX's community of license. Prior to the TBA, WFGX-TV broadcast primarily religious programming. Under the TBA, however, the station's programming has been expanded to include local news broadcasts (Monday through Friday), as well as public affairs and entertainment programming. This enhanced ability to broadcast local news and public affairs programming provides a clear public interest to the community in Ft. Walton Beach, Florida.

Austin, TX
DMA Market No. 63

KXAN-TV, Ch. 36 (NBC)
KNVA-TV, Ch. 54 (WB)

The Austin, Texas market is a good illustration of how LMAs can help balance competition among broadcasters in the same market. It also helps provide an additional outlet for new television networks in smaller, channel-constrained markets. The Austin market has four UHF stations and only one VHF station, the latter having been licensed originally to the family of President Lyndon Johnson, and which was long the dominant station in that market. KXAN entered into an LMA with station KNVA in 1994. Prior to the LMA, KNVA had not been built, primarily due to its lack of funding. With only four existing television stations in the market, this not only foreclosed opportunities for new television networks, but limited the overall diversity of the marketplace.

The LMA enabled KNVA to become operational with a first-class physical facility, thereby enhancing the competitiveness and diversity of the marketplace. KNVA became a WB affiliate and provided an outlet for numerous other programs which otherwise would have been available only on cable, including Texas Rangers baseball and San Antonio Spurs basketball games. Additionally, KNVA initiated weekday newscasts and the only over-the-air Spanish language community affairs show in the market (similar Spanish language shows are on cable and LPTV stations). Regrettably, the early evening weekday newscast on KNVA was unable to generate sufficient audience or advertising revenue to become viable and was recently discontinued. The station's production resources are now devoted to producing one minute newscasts which are inserted in other programming six times a day.

KNVA also broadcasts *Kids Ideas*, a locally produced children's talk show featuring Chelsea Hernandez, a 12 year old Hispanic female host. KNVA also provided three hours of free political programming during the 1996 election campaign and free time for each candidate running in the Spring 1997 City of Austin elections, which included the mayoral and three City Council positions. Each candidate was given 10-15 minutes to discuss the key issues of their campaign. These interviews were then combined into three one-hour programs which aired in prime-time and prime access prior to the election.

KNVA also enhanced competition by increasing the number of advertising spots in the market by approximately 45% during prime time and 25% overall.

Wichita, KA

DMA Market No. 65

KSAS-TV, Ch. 24 (Fox)

KWAJ-TV, Ch. 36 (Construction Permit)

Three Feathers Communications, Inc. ("Three Feathers") is currently a party to a local marketing agreement with Clear Channel Television, Inc. ("Clear Channel"), the licensee of KSAS-TV (Wichita, Kansas.) Pursuant to the LMA, Clear Channel will supply the majority of the programming for Three Feathers' new station.

With regard to the public interest benefits, the LMA will provide benefits that will be enjoyed by the residents of the Wichita-Hutchinson market and that will advance the Commission's goal of diversity of voices and programming. The Three Feathers/Clear Channel LMA will result in greater diversification of the programming currently offered in the Wichita-Hutchinson market. With programming obtained by Clear Channel, Three Feathers will offer a variety of entertainment, news, and informational programming previously unavailable. Three Feathers does not have the financial resources to independently secure and provide the quality

programming it will offer under the LMA with Clear Channel. In addition, with the LMA Three Feathers will be better able to construct the necessary facilities and to equip the new station with the state-of-the-art technology authorized in the Commission's DTV proceeding. These improvements will facilitate the provision of additional and varied programming to the Wichita-Hutchinson Market.

Moreover, without the relationship between Three Feathers and Clear Channel, Three Feathers' application would still be frozen with three other mutually-exclusive applications that were filed for the new station on channel 36 at Hutchinson. As a result of its relationship with Clear Channel, Three Feathers was able to facilitate a settlement agreement with the three other mutually exclusive applications and make settlement payments to the other applicants. With Clear Channel's support, Three Feathers negotiated settlement agreements and is preparing to deliver to the Wichita-Hutchinson market an additional, competitive source of programming on broadcast spectrum that otherwise was unutilized.

The Three Feathers/Clear Channel LMA will improve the variety and quality of programming in the Wichita-Hutchinson market and has resulted in the resolution of four mutually exclusive applications and the issuance of a construction permit for a new television station that will serve the Wichita-Hutchinson market. Accordingly, the Wichita-Hutchinson market has benefitted and will continue to benefit from the LMA between Three Feathers and Clear Channel. Therefore, Three Feathers urges the Commission to grandfather the Three Feathers/Clear Channel LMA for its full and complete term, including renewal options.

Syracuse, NY

DMA Market No. 68

WSYT-TV, Ch. 68 (Fox)
WNYS-TV, Ch. 43 (UPN)

Prior to the Time Brokerage Agreement, station WNYS-TV was a full power licensee broadcasting at only 18,000 watts and having a very limited reach in the DMA. Under the Time Brokerage Agreement, WNYS-TV was rebuilt at a significant investment, increasing its power to 780,000 watts ERP and increasing its antenna height from its location on top of a 100 foot building to its collocation at 1,000 feet on WSYT's broadcast tower. Due to these improvements, WNYS improved its broadcast reach from approximately 45% of the population in the DMA to nearly 100%. Cable carriage was greatly enhanced and the station now reaches 97% of cable homes versus the 47% previously reached.

The Time Brokerage Agreement created a bonafide fifth station in the market and allowed WNYS to greatly improve its program offerings to the viewers in the Syracuse DMA. Brokering station WSYT also invested significant cash resources to provide better programming for the station including local sports and entertainment such as:

Syracuse University and Big East football and basketball (at a total cost in excess of \$250,000 per year).

Top notch syndicated fare including the three *Star Trek* franchises and *Grace Under Fire*.

It also enabled the station to better serve the community by:

- Increasing children's educational programming immediately from 30 minutes to 90 minutes weekly, and in the fall 1997 to an anticipated four hours weekly - all in post 8:00 a.m. time periods.
- Launching a locally produced public affairs show in March 1997 that airs in the prominent time period of 11:00 a.m. on Sundays.
- Becoming involved in community events - the station had done nothing in the past. In less than a year, WNYS has sponsored two National Kidney Foundation fundraisers, Coaches vs. Cancer, Syracuse Winterfest, a March of Dimes event, an ongoing school oriented recognition program called *Class Act*, and many more on-the-air and off-the-air initiatives.

The Time Brokerage Agreement created twenty (20) new jobs that did not exist because previously the station had been operating with a skeleton crew. The stations have achieved operating efficiencies in almost all areas by sharing facilities, personnel, and other resources.

The rebirth of this station also provides TV advertisers with an affordable alternative to the bigger and more expensive network affiliates of NBC, CBS, ABC, and FOX.

Syracuse, NY/Utica NY DMA Market Nos. 68 & 166

WIXT -TV, Ch. 9 (ABC) (Syracuse)

WUTR-TV, Ch. 20 (ABC) (Utica)

Technically, this LMA involves two separate markets. Upstate New York markets are depressed. This makes it difficult for television stations to provide quality local news

programming and remain competitive. This economic climate does not encourage investment in local news. It is in this area that the Utica LMA will soon provide demonstrable benefits to the Utica community. Anticipated cost savings from the LMA will enable CNY News to double its local morning news programming from fifteen minutes to a full half hour. This increase in local news programming demonstrates that agreements such as the Utica LMA serve the public interest.

Honolulu, HI

DMA Market No. 69

KHNL-TV, Ch. 13 (NBC)

KFVE -TV, Ch. 5 (UPN)

Before entering into the current LMA arrangement, KFVE-TV was experiencing serious financial trouble and was failing in its efforts to attract advertisers and audience share. KFVE-TV faces particularly difficult market conditions, including high operating costs characteristic of Hawaii, an advertising market weakened by the sluggish Hawaiian economy, and formidable competition - eleven television stations, excluding satellite stations and LPTVs, and an 87% cable television penetration rate throughout Hawaii. The LMA has transformed KFVE-TV into a dynamic, thriving station, and has allowed KFVE-TV to develop substantially its local news, public affairs, sports, and entertainment programming.

For example, the KHNL-TV contract with the University of Hawaii Athletics Department was shifted to KFVE-TV, which now devotes 30% of its prime time programming to this local sports program and has made particular efforts to televise and promote women's sports. Under the LMA, KFVE-TV has been able to air locally produced information and entertainment programming, including a weekly local music program, an annual music awards show, and a daily 9:00 p.m. newscast -- the only prime time newscast in Hawaii.

The benefits of this LMA arrangement have been recognized by Senator Inouye in a speech on the floor of the United States Senate, where he remarked that this LMA "has made possible a significant increase in local programming, including an in-depth local news program at 9:00 p.m., extensive coverage of University of Hawaii's sporting events, weekly programs on Hawaiian culture and local issues, and a doubling of children's programming." 142 Cong. Rec. S706 (daily ed. February 1, 1996) (statement of Sen. Inouye).

Green Bay, WI

DMA Market No. 70

WGBA-TV, Ch. 26 (NBC)

WACY-TV, Ch. 32 (UPN)

The brokering station (formerly WLRE) has been the subject of two (2) bankruptcy reorganization proceedings - one commenced in the Eastern District of Wisconsin on January 29, 1985, which resulted in a bankruptcy approved sale of that station in late 1985, and a second commenced in the Middle District of Florida, Tampa Division, on April 7, 1989, with a bankruptcy approved sale of that station in 1991.

The brokered station was the subject of a bankruptcy reorganization and subsequent liquidation in the Northern District of Georgia, Atlanta Division, filed in 1991, with asset sale occurring in 1992. Following that sale, the brokered station went off air until June 2, 1994.

The LMA has rendered the brokered station viable. The LMA relationship has provided residents of Appleton, Wisconsin (the principal community served by the brokered station) with their only local television station and means of visual self expression. The LMA further provides program diversity to residents of the Appleton/Green Bay television market, and enables the brokered station to broadcast programming in the public interest which would otherwise not be available in the Appleton/Green Bay television market.

Spokane, WA

DMA Market No. 73

KREM-TV, Ch. 2 (CBS)

KSKN-TV, Ch. 22 (Ind)

The LMA will result in a number of efficiencies and public interest benefits. For example, once KSKN-TV's affiliation with the Home Shopping Club is terminated, the LMA will enable KSKN-TV to air additional local and public service programming, including additional weeknight newscasts at 10:00 p.m., which research and viewing patterns have demonstrated to be of great interest in the area; additional live, ongoing news coverage of

important events; additional informational and children's educational programming, such as *Oscar's Orchestra* and *Popular Mechanics for Kids*; additional public service announcements; and the opportunity to broadcast local high school, college, and semi-pro sports events. In general, the parties believe that KSKN-TV, under the LMA, will have a much broader demographic appeal as a full service station than it had before the LMA, as only a Home Shopping Club affiliate.

Furthermore, the LMA will enable KSKN-TV to make technical upgrades, which will increase the station's signal coverage and allow access to additional viewers and to additional cable system headends. These facility improvements, combined with the new programming and the switch to a new format, will allow expanded cable carriage of this local station. In addition, the LMA allows operational efficiencies, such as affording KSKN-TV access to experienced management and staff, and providing additional outlets for news, public affairs and local programming at limited additional costs. Finally, the LMA will provide an additional revenue stream from outside the market and generate local tax dollars for the community.

Omaha, NE

DMA Market No. 75

KPTM-TV, Ch. 42 (Fox/UPN)

KXVO-TV, Ch. 15 (WB)

Mid-America first applied for the construction permit for station KXVO on October 26, 1979. After protracted proceedings before the FCC, the construction permit was finally issued on December 19, 1988. In the nine years during which Mid-America's application was pending before the FCC, Mid-America's principal became involved in numerous other business ventures, and by the time the construction permit was granted, Mid-America appears to have been no longer willing nor able to commit the resources necessary to construct station KXVO. (See Exhibit 4 to Application on FCC Form 314 (File No. BAPCT900223KF) requesting the FCC's consent to the assignment of the construction permit for station KXVO from Mid-America to Pappas.)

While it is possible that another party might have commenced construction of the station, it is uncertain whether such a party would have been able to operate the station profitably on a standalone basis, given that station KXVO was the fifth commercial television station in the Omaha market, the nation's 75th Designated Market Area (DMA). Under the LMA with Pappas, however, station KXVO has been able to take advantage of numerous efficiencies made available to it as a result of the LMA. For example, stations KPTM and KXVO utilize space at the same

studio location and the antennas and transmitters for both stations are located at the same tower site. These efficiencies enabled station KXVO to operate profitably within six months of commencement of broadcasting. A standalone station would have taken much longer to become profitable, if it could have been profitably operated at all.

In addition, the programming of station KXVO by Pappas, and the station's connection with station KPTM, has enabled station KXVO to make available to the public political and other current events programming that would probably not be otherwise available.

Shreveport, LA DMA Market No. 77

KMSS-TV, Ch. 33 (Fox)
KSHV-TV, Ch. 45 (UPN/WB)

While Communications Corporation of America is not itself the licensee of the stations, it is the ultimate parent company of Com. Corp. of Texas License Corp., which is the licensee of KMSS-TV (Shreveport, Louisiana.) CCA entered into Time Brokerage Agreements with White Knight Broadcasting of Shreveport License Corp. ("White Knight - Shreveport"), licensee of KSHV-TV. While the agreement was executed as of January 11, 1996, it has never actually been put into effect.

CCA is also a party to Commercial Inventory Agreements with White Knight-Shreveport. This agreement does not, however, involve the provision of any programming to the White Knight stations. Rather, the Commercial Inventory Agreements provide for CCA to sell commercial advertising time for and provide accounting and other office services to KSHV-TV in return for revenues from the advertising time sold.

The LMAs between CCA and White Knight were entered into to provide a backup position. At the time that the LMAs were entered into KSHV-TV was essentially a startup operation. Although White Knight Shreveport acquired a license for KSHV-TV, the station had not yet been on the air for even two years at the time that the LMA was executed. At the time that the LMA was entered into, White Knight-Shreveport fully intended to select, contract for, and air its own programming for KSHV-TV, and has in fact carried out this intention. Nevertheless, in light of the fact that the station was a startup operation, and in light of possible Commission rule changes which would prohibit future LMAs, White Knight-Shreveport determined that they would enter into LMAs to provide a fallback position in the event of future difficulties. White Knight-Shreveport continues to maintain the agreement with CCA as a fallback position.

Tucson, AZ

DMA Market No. 78

KMSB-TV, Ch. 11 (Fox)
KTTU-TV, Ch. 18 (UPN)

KTTU-TV had been experiencing serious financial difficulties prior to this LMA. The station almost "went dark" under its previous owner, the Catholic Diocese, and was losing money. The LMA has allowed the station to operate as a solvent and viable broadcast facility. Under the LMA, KTTU-TV has expanded its public affairs programming and has aired second runs of KMSB-TV public affairs programs, such as *13 and Pregnant* and *Stranger Danger*, allowing increased exposure to different audiences in different time periods.

KTTU-TV also has been able to partner with local nonprofit organizations to support community events and programs. KTTU-TV airs the popular University of Arizona football and basketball games, sport specials and coaches' shows. The LMA has allowed for more programming choices for viewers and UPN network expansion into the Tucson community. The local advertising community has benefitted under the LMA through lower advertising rates and greater commercial inventory on KTTU-TV. Finally, operational economies have allowed for investment in much needed capital improvements for both stations.

Paducah, KY

DMA Market No. 79

KSBI-TV, Ch. 23 (Fox)
WDKA-TV, Ch. 49 (UPN)

Prior to the time brokerage agreement, only a construction permit existed for WDKA-TV. Under the time brokerage agreement, WDKA was able to be built, at a significant investment including tower, transmitter and studio. Also, the time brokerage agreement with WDKA resulted in the hiring by the broker of 12 new employees, which in a medium sized market is a significant number in addition to the licensee's employees.

The station provides an important full time outlet to the new UPN Network which will help the new network grow and compete with the established networks. The station provides more children's educational programming to the market, as well as additional sports programming, such as St. Louis Cardinals' baseball games and college football and basketball games.

Providing a fifth station to the market allowed quality syndicated programming to again be seen in the market, such as the highly acclaimed *Cheers*, *Matlock*, and *Coach*. WDKA also provides another voice for significant public service announcements.

Portland, ME DMA Market No. 80

WPXT-TV, Ch. 51 (Fox)

WPME-TV, Ch. 35 (UPN)

Pegasus acquired the stock of the holding company of HMW, Inc., the licensee of WPXT-TV (Portland, Maine) in June of 1996. As part of a related transaction, Pegasus acquired the stock of BT Satellite, Inc. ("BT Satellite"), a company which was controlled by one of the former owners of HMW, Inc. BT Satellite had signed an LMA with New England Television, Inc., the permittee of an unbuilt television station, (now WPME) in Lewiston, Maine. Both stations will operate in the Portland, Maine DMA. That DMA is currently ranked number 80. These stations have overlapping city-grade contours. The Time Brokerage Agreement was originally entered into on the 29th day of January 1996. Pegasus acquired the stock of the company holding the LMA on June 20, 1996.

WPXT is a Fox Affiliate. WPME is not yet on the air. It is anticipated that WPME will be a UPN Affiliate. As WPME is not yet on the air, it has no audience share.

The LMA advances the public interest both by encouraging the construction of WPME, a station which might otherwise not provide a significant programming source for the Portland market, and by strengthening WPXT, a lone and young UHF station in a market with three dominant and far older VHF stations.

In a smaller market such as Portland, dominated by three VHF affiliates, WPME would not make an attractive investment opportunity for an independent operator, and whether that station could ever be operated as a standalone facility is questionable. However, teamed with the Pegasus station, programming and cost saving opportunities will be presented which will allow for the development of a station which can serve the community's needs and interests.

Ft. Myers-Naples, FL DMA Market No. 83

WBBH-TV Ch. 20 (NBC)
WZVN-TV, Ch. 26 (ABC)

The stations entered into a time brokerage agreement in June 1994. At the time of the agreement, WZVN was essentially non-competitive in the marketplace. It had an outdated physical plan and a bare bones sales staff. This financially distressed station was simply unable to produce and broadcast any significant news or public affairs programs. There has been a marked financial improvement in the station since entering into the LMA.

The time brokerage agreement has increased program diversity in the market. There has been a significant improvement of WZVN since entering into the local marketing agreement. The station now broadcasts from a new state of the art studio, broadcasting its ABC network programming as well as non-duplicated syndicated and local programming with a WZVN news staff which is fully competitive in the marketplace. WZVN provides an exclusive daily half-hour newscast at 7:00 p.m. The two stations now utilize three AMS meteorologists and three additional weather forecasters, providing the market with comprehensive weather service in one of the major hurricane areas in the nation. Each station broadcasts its own newscasts with separate meteorologists, dual anchors, a sports anchor and a producer. News data differs substantially on each station. Specific reporters and producers are assigned to each station, with a majority of the support staff shared by both stations.

Each station engages in its own public affairs and public service programming. WZVN is currently working on two projects. In conjunction with ABC's "March Against Drugs", the station is engaged in a month long effort to encourage parents to take the time to talk to their children about drugs. The second project is a daylong festival called *Kids Fest*. *Kids Fest* will be held at a local convention center and is designed to introduce children and parents to local community organizations that concentrate on positive activities for families. WBBH is conducting its eighth annual *A-Team High School Academic Challenge*. A total of 18 half-hour academic contests among area high schools are produced and broadcasted by the station. The A-Team challenge culminates in an hour long final game which is telecast in prime time.

As a result of the local marketing agreement, the stations were able to invest (\$400,000) in the new and strongest Doppler Radar in the market, an investment neither station could have made individually, Doppler Radar is a vital piece of equipment, given the frequent severe weather in South Florida. A new \$180,000 digital routing system was purchased, rather than buying two smaller systems at an increased price. Now both stations are capable of routing digital signals in preparation for HDTV. Because of the LMA, WZVN is now able to provide

live remote coverage of local stories. WZVN is able to benefit from a new ENG vehicle dedicated for the station's use. The station also has access to a satellite news truck or "SNG" (Cost for vehicles \$675,000). The local marketing agreement has also led to a \$2.5 million dollar investment in a new digital studio and control room, giving WZVN the most advanced broadcast studio in the market. The studio was built exclusively for WZVN and adjoins the WBBH facility. Finally, the local marketing agreement has increased the total employment of the two stations from 138 to 190 - a 38% increase. With respect to the news departments, the total news complement of the two stations has increased from 66 to 80 full time employees, a 20% increase.

Cedar Rapids-Dubuque, IA

DMA Market No. 86

KFXA, Ch. 28 (Fox)

KFXB, Ch. 40 (Fox)

KFXB (formerly KDUB) Channel 40 (Dubuque, Iowa) operates in the Cedar Rapids-Waterloo-Dubuque LMA. KFXB operates at 537,000 watts visual and 53,700 watts aural at an antenna height of 841 feet above average terrain.

The station originally signed on the air as an ABC affiliate in 1970 as KDUB. The station ceased operations due to financial failure in 1973. Under new ownership KFXB (KDUB) returned to the air in 1975.. KDUB continued to operate as a second ABC affiliated in the Cedar Rapids-Waterloo-Dubuque television market. With limited power and antenna height, KDUB was unable to put an over-the-air signal over major portions of the market. The signal did not reach the population centers of Cedar Rapids, Waterloo or Iowa City. KDUB's cable network non-duplication protection ended by FCC order in 1988, allowing all of the duplicated ABC programming from KCRG (the other ABC affiliate in the market) to be available on the TCI cable system serving Dubuque and other communities in Dubuque County. Approximately 94% of the homes in Dubuque were connected to TCI cable. In the meantime, KCRG (Ch. 9), KGAN (Ch. 2), the CBS affiliate, and KWWL (Ch. 7), the NBC affiliate, were all able to cover, with an over the air signal, the entire 21 counties in the LMA, including Dubuque and Dubuque County. In a 30 million dollar plus television market where three competing VHF stations were billing between eight and 12 million dollars each, KDUB was never able to bill more than 1.5 million. National advertising on KDUB was almost nonexistent, reaching only 1.5% of the total market. Network compensation was less than \$40,000 per year. Approximately 98% of KDUB's revenue was local direct and regional. Limited revenue, due to lack of power and antenna height, and the fact that KDUB was a duplicate network service, severely limited the potential for KDUB to grow and in fact threatened its very survival. KDUB could not compete in the market for syndicated programs due to the price of programming, and prime time network Nielsen rating numbers continued to be eaten away by KCRG. The future of KDUB was in trouble.